

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

TEMPORARY PERMIT 20611

Application 30076 of Pacific Gas Transmission - Pacific Gas & Electric

P.O. Box 193965, San Francisco, CA 94117

filed on March 16, 1992, has been approved by the State Water Resources Control Board subject to diversions by lawful users of water and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

<u>(1) San Joaquin River</u>	<u>Suisun Bay</u>
<u>(2) Dutch Slough</u>	<u>San Joaquin River Delta Channels</u>
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2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
<u>BY CALIFORNIA COORDINATE SYSTEM, ZONE 3</u>					
<u>(1) NORTH 568,700 FEET AND EAST 1,656,800 FEET</u>			3N	3E	MD
<u>NORTH 567,400 FEET AND EAST 1,658,100 FEET</u>			2N	3E	MD
<u>(2) NORTH 553,200 FEET AND EAST 1,664,700 FEET</u>			2N	3E	MD
<u>NORTH 552,500 FEET AND EAST 1,665,100 FEET</u>			2N	3E	MD
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Counties of Contra Costa and Sacramento

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acre
<u>INDUSTRIAL (DRILLING MUDS)</u>	<u>ADJACENT TO THE POINTS OF DIVERSION</u>		2N	3E	MD	
			3N	3E	MD	

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water diverted shall be limited to the quantity which can be beneficially used and shall not exceed 0.9 cubic foot per second to be diverted from the date of issuance of this permit to September 14, 1992.

The maximum amount diverted from each source shall not exceed 4.5 acre-feet. (0000005)

6. This temporary permit shall not be construed as conferring upon the permittee right of access to the points of diversion. (0000021)

7. All water intake structures placed in the waterways shall meet the following fish screening criteria:

(1) The screen approach velocity shall not exceed 0.33 foot per second.

(2) Round or square openings in the screening shall not exceed 5/32 inch; slotted openings shall not exceed 3/32 inch. (0510063)

8. This temporary permit is issued and Permittee takes it subject to the California Water Code, Division 2, Chapter 6.5, Section 1425 et seq. Any temporary permit issued under this chapter shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the State Water Resources Control Board. (0510800)

9. The State Water Resources Control Board may supervise diversion and use of water under this temporary permit for the protection of legal users of water and instream beneficial uses and for compliance with permit conditions. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this temporary permit. (0160600)
(0510600)

10. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this temporary permit, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this temporary permit with a view of eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the sources. (0000012)

11. No water shall be used under this temporary permit until permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, Central Valley Region, pursuant to Water Code Section 13260, and the Regional Board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Board are being met. No discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Board. A discharge to ground water without issuance of a waste discharge requirement may be allowed if, after filing the report pursuant to Section 13260:

(1) the Regional Board issues a waiver pursuant to Section 13269, or

(2) the Regional Board fails to act within 120 days of the filing of the report.

No permittee shall be required to file a report of waste discharge pursuant to Section 13260 of the Water Code for percolation to ground water of water resulting from the irrigation of crops. (0290101)

12. Permittee shall report to the State Water Resources Control Board by September 30, 1992 the maximum rate of diversion and the total acre-feet diverted under this temporary permit. (0060999)

13. The State Water Resources Control Board shall, within 30 days review and validate this temporary permit, including the findings upon which it was issued, and should the Board fail or refuse to validate this temporary permit, it shall be revoked as of the date of said Board meeting and shall be of no further force and effect. (0530999)

14. This temporary permit is revoked on September 15, 1992 without further action by the State Water Resources Control Board. (0510700)

Based on the record in this matter, I find:

- A. That the applicant herein is an applicant for a water right entitlement under the provisions of Chapter 6.5 commencing with Section 1425, Part 2, Division 2, of the Water Code.
- B. That the applicant has an urgent but temporary need to divert and use water under this temporary permit.
- C. That the proposed diversion and use are in the public interest without known injury to any lawful users of water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.
- D. That the temporary project to divert water consists of only minor alterations in the conditions of land, water and vegetation and will not cause a significant environmental impact. Therefore, the project is exempt from CEQA in accordance with Sections 15300 and 15304 of Title 14, California Code of Regulations. (0530700)

Accordingly, issuance of the within temporary permit is hereby authorized.

Dated: 3/18/92

Watt Peters

In accordance with the foregoing this temporary permit is hereby issued.

Edward H. White

Chief, Division of Water Rights

3/18/92
Date

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MARCH 19 1992

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights